

**United States District Court**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

**EDWARD BUTOWSKY,**

**Plaintiff,**

**v.**

**MICHAEL GOTTLIEB, *et al.*,**

**Defendants.**

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**CASE NO. 4:19-CV-00180-ALM-KPJ**

**ORDER OF DISMISSAL**

The following motions are pending before the Court:

1. Plaintiff and Defendants Michael Gottlieb, Meryl Goverski, and Bois Schiller Flexner LLP (collectively, “Law Firm Defendants”) Notice of Dismissal (the “Notice”) (Dkt. #274); and
2. Plaintiff Edward Butowsky (“Plaintiff”) and Defendants Cable News Network, Inc. (erroneously sued as “Turner Broadcasting System, Inc.”) and The New York Times Company’s (collectively, “Media Defendants”) Amended Motion to Dismiss With Prejudice (the “Motion”) (Dkt. #275).

In the Notice (Dkt. #274), the parties represent that Plaintiff’s claims against Law Firm Defendants are dismissed with prejudice and that all parties shall bear their own costs, expenses, and attorneys’ fees. *See* Dkt. #274.

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways: (1) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” FED. R. CIV. P. 41(a)(1); or (2) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(ii) by filing “a stipulation of dismissal signed by all parties who have appeared.” *Id.* As such, formal court action is not necessary in this case. However, the Court finds

that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of order of dismissal is appropriate.

In the Motion (Dkt. #275), the parties request dismissal of Plaintiff's claims against Media Defendants with prejudice, with each party bearing its own costs and fees in this action. *See* Dkt. #275. Upon consideration, the Motion (Dkt. #275) is hereby **GRANTED** and the previously filed Motion for Dismissal with Prejudice (Dkt. #273) is **DENIED AS MOOT**.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITH PREJUDICE**. Each party shall bear its own costs and fees.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 2nd day of November, 2020.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE